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12/5/03

Mr. Corbin R. Davis  
Clerk of the Court  
Michigan Supreme Court  
Michigan Hall of Justice  
P. O. Box 30052  
Lansing MI 48909

RE: Inactive Docket: In re Petition for an Admin.  
Order, No. 124213

Dear Sir:

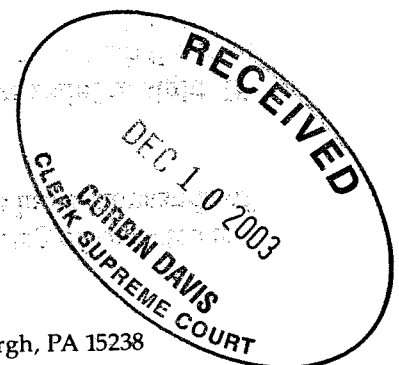
I write to support the creation of an inactive docket to control the filing of asbestos and other mixed lung disease claims by plaintiffs who are not sick.. We have thousands of claims against us and a very few have disabling diseases.

This litigation explosion is out of control and there is little legislative relief in sight. If there is an area where judicial activism is warranted, it is before you now with the issue of creating an inactive docket. You will hear a lot of opposition from the plaintiffs bar on this issue but realize the motivation that fuels their opposition and that is greed and money. No one is saying the injured should not have their day in court. An inactive docket supports just the opposite: toll the statute of limitations so that if one does have a true and valid claim they can have their day in court at a future date.

The asbestos crisis is credited with putting sixty companies into bankruptcy. There are no more asbestos manufacturers remaining so the plaintiffs bar now directs its attention to the second tier of defendants. We are in that class and confronted with thousands of claims from people whom are not injured. An inactive docket would help control a national problem. Thank you for your consideration.

Very truly yours,

William J. Berner  
Risk Manager



LOCATION: RIDC Industrial Park • 121 Gamma Drive • Pittsburgh, PA 15238